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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Freeze on CMRS Paging Applications for
Exclusive Frequencies

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WT Docket No. 96-18

To: The Commission

REPLY TO OPPOSITION TO EMERGENCY PETITION FOR RELIEF

SuperCom Limited Partnership of Northern Michigan (SuperCom), by its attorney, hereby replies to Range Corporation's (Range) October 6, 1997 Opposition to Petition to Emergency Relief (Opposition). In reply thereto, the following is respectfully submitted:

1) Range objects to SuperCom's national telecommunications policy suggestion that the Commission adopt an interim paging licensing process while the details of the paging auction program are ironed out over the coming months (years?). The basis of Range's opposition is that Range has filed a pleading seeking revocation of SuperCom's licenses. Range's Opposition leaves wholly unexplained why its litigation filings against one company should preclude implementation of a reasonable interim licensing policy for an entire industry and highlights Range's obstructionist motivations underlying its informal licensing pleadings.

2) Our law office filed similar petitions for emergency relief for several other clients. Perhaps Range has no desire to expand its service to the public, but many other paging companies, including SuperCom, are extremely eager to expand their service areas. Excluding the limited "40

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mile” relief granted last year, the paging expansion freeze has been in place for nearly two years and it appears that it will be many months before the Commission determines its final paging licensing rules and proceeds to licensing paging systems. Of course, there is no requirement that Range improve its service, Range is perfectly free never to add another transmitter to its high priced, well worn paging system. However, Range's satisfaction with life as it is does not mean that an entire industry should be required to stand pat.

3) Range's assertion that SuperCom did not “quantify” the demand for its services is simultaneously correct and pointless. The Commission's paging auction rule making documents themselves describe the rapid growth of the paging industry and state that even a limited expansion freeze is harmful to the paging industry. The emergency petitions our office filed were intended to alert the Commission to a general industrial difficulty being faced by paging companies interested in providing and improving service to the public, a class of service providers which Range explicitly declines to join. There are many carriers which are profoundly interested in expanding their service offerings to the public today. This office assumed the Commission was already acutely aware of the problem, but we felt it would be appropriate to formalize some of our clients' concerns and suggest a possible course of action.


4) Range's suggestion that SuperCom, and the other petitioning companies, submit a traffic loading study, or held orders, or some other empirical evidence shows a profound inability to grasp an obvious paging industry problem. Perhaps Range's acute myopia on matters relating to national telecommunications policy stems from its lack of desire to improve its own service to the public. Alternatively, it may be that Range's self absorption in an unrelated licensing matter caused it to fail to consider the implications of opposing a pleading which seeks necessary relief for the paging

industry generally.¹ Range's self induced myopia notwithstanding, as a matter of national telecommunications policy, the Commission should adopt an interim paging licensing program.

WHEREFORE, in view of the information presented herein, it is respectfully submitted that the Commission direct that applications seeking interim CMRS paging authority on exclusive channels be processed on a first-come/first-served basis.²

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October 15, 1997

Respectfully submitted,
SuperCom Limited Partnership of Northern Michigan


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¹ Range states that "Supercom [sic] conveniently omitted from its Emergency Petition any reference to the extensive litigated proceeding regarding Supercom's [sic] 152.84 MHz system that was commenced by filing [sic] of Range's Revocation Petition and that is currently awaiting Commission action." Opposition, at 3. First, the fact that Range has filed informal pleadings, already opposed by SuperCom, does not mean that Range's allegations are correct. Evidence was produced which shows that Range's filings were motivated because SuperCom would not fix prices and/or divide markets, as Range wanted, in violation of antitrust laws. Second, it is clear to any person with even rudimentary cognitive abilities that the reason no reference was made to Range's informal pleadings is that they are irrelevant to a discussion of whether the Commission should, as a matter of national telecommunications policy, adopt an interim licensing procedure for the paging industry. Range does not even attempt to make any connection between its self-interested filings against a single carrier and national telecommunications policy relating to relief from the paging expansion freeze. Range has utilized SuperCom's Emergency Petition as another opportunity to repeat baseless allegations which are not properly handled in the context of the Emergency Petition.

² For the Commission's convenience, copies of the instant filing are being hand delivered to Daniel Phythyon, David Furth, Ramona Melson, and James Bennett.